

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 3:12-cr-00004-RLY-CSW
)	
COREY L. CABELL,)	-03
)	
Defendant.)	

REPORT AND RECOMMENDATION

On November 19, 2024, the Court held a hearing on the Petition for Warrant for Offender Under Supervision filed on October 30, 2024. (Docket No. 224).

Defendant Corey L. Cabell appeared in person with his appointed counsel Marcy Groves. The government appeared by Matthew Miller, Assistant United States Attorney. U. S. Probation appeared by Officer Brian Deardurff.

This matter was referred to the Magistrate Judge to conduct a hearing and make a report and recommendation as to the disposition. (Docket No. 227). The defendant was advised that the District Judge is not bound to accept the Report and Recommendation.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Cabell of his rights and provided him with a copy of the petition. Defendant orally waived his right to a preliminary hearing.

2. After being placed under oath, Defendant Cabell admitted violation number 1. (Docket No. 224).

3. The allegation to which Defendant admitted, as fully set forth in the petition, is:

**Violation
Number**

Nature of Noncompliance

1 "You shall refrain from any unlawful use of a controlled substance."

On October 1, 2024, Mr. Cabell submitted a urine sample which tested positive for Cocaine. On October 16, 2024, Mr. Cabell denied to ingesting Cocaine; however, the results were confirmed positive by Alere Toxicology Services. Additionally, on October 18, 2024, Mr. Cabell submitted a urine sample which tested positive for Amphetamines.

As previously reported to the Court, Mr. Cabell tested positive for Cocaine on May 30, 2024, and August 28, 2024. He also tested positive for Amphetamines on November 2, 2023; and he tested positive for Cannabinoids on July 2, 2023.

Mr. Cabell admitted using methamphetamine prior to his November 2, 2023 drug screen, and on June 19, 2024, and September 14, 2024. He also admitted to using Cocaine on June 19, 2024, and September 14, 2024; and admitted to using THC on June 29, 2023, June 19, 2024, and September 14, 2024.

4. The parties stipulated that:

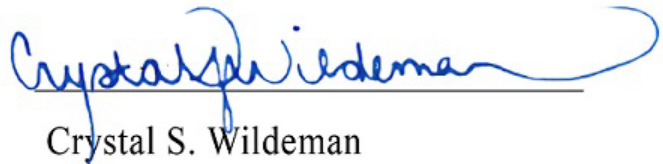
- (a) The highest grade of violation is a Grade **B** violation.
- (b) Defendant's criminal history category is **VI**.
- (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is **21 to 24** months imprisonment.

5. The parties jointly recommended a sentence below the guideline range of twelve (12) months with no further supervision.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds the Defendant violated the conditions as alleged in the petition, that his supervised release should be revoked, and that he should be sentenced to the custody of the Attorney General or his designee for a period of twelve (12) months with no further supervision, upon release from imprisonment.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties elected to waive the fourteen-day period to object to the Report and Recommendation.

Date: December 4, 2024



Crystal S. Wildeman
United States Magistrate Judge
Southern District of Indiana

Distribution:

All ECF-registered counsel of record via email generated by the court's ECF system.